

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

DONALD ALLEN, <i>et al.</i> ,	§	CIVIL ACTION NO.
<i>Plaintiffs</i>	§	4:08-CV-03370
v.	§	
	§	
COIL TUBING SERVICES, L.L.C.	§	JURY TRIAL DEMANDED
<i>Defendant</i>	§	

**PLAINTIFFS' STATUS REPORT**

Plaintiffs herein file this status report concerning plaintiffs' interlocutory appeal:

1. On January 30, 2012, the Court issued an order granting plaintiffs' request for permission to file an interlocutory appeal;
2. Thereafter, the Court administratively closed the case pending the conclusion of the interlocutory appeal and directed the parties to file a written status report on April 23, 2012 and every 120 days thereafter;
3. On March 23, 2012, the U.S. Court of Appeals for the Fifth Circuit granted plaintiffs' petition for permission to appeal; and
4. On May 9, 2012, the Fifth Circuit issued its Briefing Notice.
5. On June 18, 2012, plaintiffs filed their brief identifying two issues for review by the Fifth Circuit: (1) "Does the Motor Carrier Act (mca) exemption to the overtime requirements of the Fair Labor Standards Act (FLSA) apply to oil field workers on an individual, "employee-by employee", basis when the employer

operates dispatching districts in multiple states that have vastly differing amounts of interstate driving and where the workers perform numerous non-safety affecting duties for substantial periods of time? Or, does the MCA exemption instead apply on a district-wide basis?” and (2) “Should ... a district court explicitly notify all plaintiffs by an order stating that, if the bellwether plaintiffs lose all or part of their claims at the summary judgment stage, then that judgment will deprive the remaining plaintiffs of their rights?”

6. On August 6, 2012, defendant filed its brief.
7. Plaintiffs’ deadline to file a reply brief is August 30, 2012.
8. Both parties have requested that the Fifth Circuit permit oral argument.

Respectfully submitted,

**ABRAHAM, WATKINS, NICHOLS,  
SORRELS, AGOSTO & FRIEND**

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**ATTORNEYS FOR PLAINTIFFS**

### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the attached plaintiffs' status report has been forwarded to the below-listed attorney via electronic filing on this 21st day of August, 2012.

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